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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,550	08/27/2003	Jean-Michel Auclair	D-7909	5535

7590 09/29/2005

Law Department
MeadWestvaco Corporation
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Smyrna, GA 30080

EXAMINER

LUONG, SHIAN TINH NHAN

ART UNIT PAPER NUMBER

3728

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/649,550

Applicant(s)

AUCLAIR ET AL.

Examiner

Shian T. Luong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-13 is/are rejected.
- 7) ☒ Claim(s) 2 and 3 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/29/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

Specification

1. The specification is objected to because of the following informalities: This application appears to be a 371 or national stage of PCT/US02/06337 and not a continuation application. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. Claims 5,6, 8-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 5, the securing flap is hinged to one of the medial panel and not hinged to the end wall. In claim 6, the phrase "said second medial panel is shorter in length than said second medial panel" is inaccurate since the same panel cannot be shorter than itself. In claim 8, the phrase "second medial panel and said second transverse partition member are partially struck from said first medial panel" has no clear meaning. It is not certain what applicant intends to claim. In claim 12, the securing flap is not hinged to a panel for forming one of the end walls. It is hinged to the medial panel but is secured to the end panel.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1,4,5,6,7 are rejected under 35 U.S.C. 102(b) as being anticipated by Stone (US 5,680,930). Stone discloses a carrier of the basket type adapted to accommodate a plurality of articles, comprising a base, opposed side walls 14,16 and opposed end walls 18,20, and a medial partition 80 structure extending between said end walls, said articles being receivable on both sides of said medial partition structure, wherein a securing flap 42 is hinged to said medial partition structure and is secured to one of said end walls to create a joint between said medial partition structure and said one end wall, wherein said medial partition structure comprises first and second medial panels 22b, 28 hinged together along a first fold line, and wherein the first fold line is disposed inwardly of the carrier from said one end wall relative to a second fold line by which said securing flap is hinged to one of said first and second medial panels. First and second medial panels each provides a transverse partition strip 30,28 for connecting the medial partition structure to said side walls. The securing flap is secured to said one end wall. The medial panel is a full length panel extending between said opposed end walls, and said second medial panel is shorter in length than said first medial panel. A handle means is provided by the medial partition.

5. Claims 1,4,5,7 are rejected under 35 U.S.C. 102(b) as being anticipated by Moore et al. (US 3,411,663). Moore et al. discloses a carrier of the basket type adapted to accommodate a plurality of articles, comprising a base, opposed side walls 30a,31a,30b,31b and opposed end walls, and a medial partition 41a,42a,41b,42b structure extending between said end walls, said articles being receivable on both sides of said medial partition structure, wherein a securing flap 55a,55b,71 is hinged to said medial partition structure and is secured to one of said end walls to create a joint between said medial partition structure and said one end wall, wherein said medial

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partition structure comprises first and second medial panels 41a,42a,41b,42b hinged together along a first fold line, and wherein the first fold line is disposed inwardly of the carrier from said one end wall relative to a second fold line by which said securing flap is hinged to one of said first and second medial panels. First and second medial panels each provide a transverse partition strip for connecting the medial partition structure to said side walls. The securing flap is secured to said one end wall. The medial panel is a full length panel extending between said opposed end walls, A handle means is provided by the medial partition.

Allowable Subject Matter

6. Claims 8-13 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
7. Claims 2-3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel and not to the examiners. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information without contacting the examiners, M.P.E.P. 203.08.


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If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to Erica Miller at (571) 272-4370.

For applicant's convenience, the official FAX number is ~~571-273-8300~~. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify Examiner Luong of Art Unit 3728 at the top of your cover sheet of any correspondence submitted.

Inquiries concerning the merits of the examination should be directed to Shian Luong whose telephone number is (571) 272-4557. The examiner can normally be reached on M-H from 7:00am to 4:00pm EST.

STL
September 27, 2005


Primary Examiner
Shian Luong
Art Unit 3728